THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 390 of 2006

DATED: 05.01.2006

Between:

C.Adinarayana.

… PETITIONER

AND

The Regional Transport Authority and others.

… RESPONDENTS

ORDER:

The vehicle of the petitioner bearing Registration No. AP 02-U-5935 was seized by the 2nd respondent, through Vehicle Check Report, dated 29.10.2005, on the ground that the vehicle was carrying 28 passengers, instead of its 3+1 capacity. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 29.10.2005, discloses that the vehicle of the petitioner was carrying 28 passengers instead of its 3+1 capacity. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the

proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the vehicle of the petitioner bearing Registration No. AP 02-U-5935, shall be released to him, on his depositing a sum of Rs.5,000/- (Rupees Five Thousand Only);

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required; and

c. the petitioner shall be entitled to ply the vehicle, if only it is covered by the necessary documents.

d. There shall be no order as to costs.

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05.01.2006

Note: Issue C.C. by tomorrow.

(B/o)

Jsu